

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

GEORGE W. NULPH,

Plaintiff,

Civil No. 06-115-CO

v.

FINDINGS AND  
RECOMMENDATION

DIRECTOR OREGON DEPARTMENT  
OF CORRECTIONS,

Responent.

COONEY, Magistrate Judge.

Plaintiff filed a complaint under 42 U.S.C. § 1983 challenging various parole board actions and seeking the "court to order his immediate release."

By Order (#4) entered February 10, 2006, petitioner was advised that his claim was properly construed as a claim under 28 U.S.C. § 2254 and allowed 30 days to file an amended pleading on a form provided by the court. Petitioner was

advised that failure to file an amended pleading as directed by the court would result in the dismissal of this action for failure to prosecute. Petitioner has not responded.

This proceeding should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 4 day of April, 2006.

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s/  
John P. Cooney  
United States Magistrate Judge